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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of State
Division:	Business Services
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Maggie Bahou
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	312 Rosa L. Parks Ave., Snodgrass Tower, 7th Floor Conference Room		
Address 2:			
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	January 4, 2013		
Hearing Time:	2:00 p.m.	<u> </u> CST/CDT <u> </u> EST/EDT	

Additional Hearing Information:

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Revision Type (check all that apply):

- ☐ Amendment
☒ New
☒ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

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1360-08-01-.01	Definitions
1360-08-01-.02	Means to Deliver UCC Records
1360-08-01-.03	Search Request Delivery

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1360-08-01-.12	Effective Date
1360-08-01-.13	Repealed
1360-08-01-.14	Repealed
1360-08-01-.15	Repealed
1360-08-01-.16	Repealed
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1360-08-01-.18	Repealed
1360-08-01-.19	Repealed

Chapter Number	Chapter Title
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1360-08-02-.02	Time for Filing a Continuation Statement
1360-08-02-.03	Grounds for Refusal
1360-08-02-.04	Procedure upon Refusal
1360-08-02-.05	Refusal Errors
1360-08-02-.06	Notification of Defects
1360-08-02-.07	Repealed
1360-08-02-.08	Repealed
1360-08-02-.09	Repealed

Chapter Number	Chapter Title
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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1360-08-01
Uniform Commercial Code
General Provisions

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Rule 1360-08-01-.01 Definitions.

- (1) The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.
- (a) "Active record" means a UCC record that has been stored in the UCC information management system and indexed in, but not yet removed from, the searchable indexes and has not either lapsed or been terminated.
 - (b) "Address" means either (i) a street address, route number (may include box) or P.O. Box number plus the city, state and zip code, or (ii) an address that purports to be a mailing address outside the United States of America. Submitted addresses will be verified and standardized using the United States Postal Service Address Matching System Application Programming Interface.
 - (c) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.
 - (d) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.
 - (e) "Statement of claim" means a UCC record whereby the debtor indicates that a financing statement is inaccurate or wrongfully filed.
 - (f) "Filing office" and "filing officer" means the Tennessee Secretary of State, Division of Business Services.
 - (g) "Filing officer statement" means a statement entered into the filing office's information system to correct an error.
 - (h) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.
 - (i) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.
 - (j) "Searchable indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names maintained in the UCC information management system.
 - (k) "Secured party of record" includes a secured party of record as defined in the UCC as well as a person who has been a secured party of record with respect to whom an amendment has been filed purporting to delete them as a secured party of record.

- (l) "UCC" means the Uniform Commercial Code as adopted in this state.
- (m) "UCC information management system" means the information management system used by the filing office to store, index, and retrieve information relating to financing statements as described in rule 1360-08-03.
- (n) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a filing officer statement or a statement of claim, and includes a record thereof maintained by the filing office. The term "UCC record" shall not be deemed to refer exclusively to paper or paper-based writings.
- (o) "Unlapsed record" means a UCC record that has been stored and indexed in the UCC information management system, which has not yet lapsed under T.C.A. §47-9-515 with respect to all secured parties of record.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-102, 47-9-520, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.02 Means to Deliver UCC Records.

(1) UCC records may be tendered for filing at the filing office as follows.

- (a) Personal delivery by remitter, at the filing office's street address. The file time for a UCC record delivered by this method is based on the file date and file time assigned by the scanner software when the document is scanned by the filing office, (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). This rule applies only to a remitter who tenders a UCC record to the filing office and awaits an immediate determination of whether or not the UCC record will be taken or not.
- (b) Courier delivery by a person other than a remitter, at the filing office's street address. The file time for a UCC record delivered by this method is based on the file date and file time assigned by the scanner software when the document is scanned by the filing office, (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). This rule does not apply to a courier who is acting as an agent of the remitter and who tenders a UCC record to the filing office and awaits an immediate determination of whether or not the UCC record will be taken or not under rule 1360-08-01-.02(a).
- (c) Postal service delivery, to the filing office's mailing address. The file time for a UCC record delivered by this method is based on the file date and file time assigned by the scanner software when the document is scanned by the filing office, (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected).
- (d) Reserved.
- (e) Reserved.
- (f) Direct web page data entry. UCC records may be delivered by online data entry using the filing office's website on the Internet. Website data entry and payment procedures are available as provided at www.tnbear.tn.gov/UCC. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the online entry system and confirmation that all fees and taxes that constitute the payment have been received.
- (g) Means of communication. Regardless of the method of delivery, information submitted to the UCC filing office must be communicated only in the form of characters that are defined in an acceptable character set. A financing statement or amendment form that does not designate separate fields for organization and individual names, and separate fields for first, middle and last names and suffixes for individual names is not an acceptable means of communication to the filing office.

- (h) Transmitting utility, manufactured home and public finance transactions. The only means to indicate to the filing office that an initial financing statement is being filed in connection with a manufactured home or public finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility, in order to affect the filing office's determination of the lapse date under rule 1360-08-03-.07(3) or rule 1360-08-03-.08, is to so indicate by checking the appropriate box on a UCC-1 addendum filed with respect to the financing statement or by transmitting the requisite information in the proper field in an electronic filing that is such initial financing statement or is a part of such financing statement.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-501, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.03 Search Request Delivery.

- (1) UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request may not be delivered by checking a box or otherwise including a search request in or on an initial financing statement, but may be delivered in or on a separate search request after the initial financing statement is filed.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.04 Forms.

- (1) The forms prescribed by T.C.A. §47-9-521 are accepted by the filing office. Paper based forms approved by the International Association of Commercial Administrators on or after July 1, 2013 and forms otherwise approved by the filing office from time to time shall be accepted. If applicable, UCC initial financing statements and amendment documents shall include the statutory language required in T.C.A. §67-4-409(b)(5)(C). A list of forms approved by the filing office will be made available on request.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-521, 47-9-526, 67-4-409(b) and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.05 Fees.

- (1) The following fees apply to UCC documents:
- (a) The fee for filing and indexing an initial financing statement is fifteen dollars (\$15) per debtor, plus fifty cents (50¢) per page in excess of ten (10) pages. Each different address listed for a debtor is treated as a separate debtor for filing and indexing purposes.
 - (b) The fee for filing and indexing a financing statement amendment that changes, modifies, deletes or adds one or more debtors is fifteen dollars (\$15) per debtor/debtor address changed, modified, deleted or added, plus fifty cents (50¢) per page in excess of ten (10) pages.
 - (c) The fee for filing and indexing a financing statement amendment that amends the collateral description, or changes, deletes, modifies or adds a secured party is fifteen dollars (\$15), plus fifty cents (50¢) per page in excess of ten (10) pages.
 - (d) The fee for filing and indexing each assignment, continuation, termination, or correction statement is fifteen dollars (\$15), plus fifty cents (50¢) per page in excess of ten (10) pages.
- (2) UCC search fee. The fee for responding to a written request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is fifteen dollars (\$15).
- (3) UCC search – copies. The fee for UCC search copies is one dollar (\$1) per page (or page equivalent for electronically transmitted search responses).
- (4) In addition to the fees described above, tax may be payable under T.C.A. §67-4-409(b) upon the filing of a financing statement. The filing office may accept the representation on the financing statement, or in an

accompanying sworn statement, of the amount of the maximum principal indebtedness for recording tax purposes. The filing officer is not required to verify the computation of the amount of such tax. The amount tendered to the filing office shall be applied first to the filing fee and then to any tax imposed on the filing.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-525, 47-9-526, 67-4-409(b) and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.06 Reserved.

Rule 1360-08-01-.07 Methods of Payment.

- (1) Cash. Payment in cash shall be accepted only if paid in person at the filing office.
- (2) Checks. Personal checks, cashier's checks and money orders made payable to the Tennessee Secretary of State or the State of Tennessee shall be accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion.
- (3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association ("NACHA") rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.
- (4) Reserved.
- (5) Debit or credit cards. The filing office may accept payment by debit cards or credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or his agent has confirmed payment.
- (6) Credit Vouchers. The filing office shall accept credit vouchers issued by the state through the Uniform Commercial Code Management System based on the expiration date shown on the credit voucher. The filing office will not accept credit vouchers on or after January 1, 2014.
- (7) Inter Unit Journal Vouchers. The filing office shall accept inter unit journal vouchers from other state agencies for payment of filings and searches.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.08 Overpayment and Underpayment.

- (1) Overpayment. The filing officer shall refund the amount of an overpayment of ten dollars (\$10) or more to the remitter. The filing officer shall refund an overpayment of less than ten dollars (\$10) only upon the written request of the remitter.
- (2) Underpayment. Upon receipt of a UCC record with an insufficient fee and recording tax (if applicable), the filing officer shall return the UCC record to the remitter as provided in rule 1360-08-02-.03. The underpayment may be included with the UCC record or delivered under separate cover.
- (3) Returned for Non-Payment. A filer whose payment is returned for non-payment will have sixty (60) calendar days from the date of the returned payment to provide a valid cashier's check or money order to replace the non-payment. Otherwise, all filings associated with the non-payment will be voided.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.09 Public Records Services.

- (1) Public records services are provided on a non-discriminatory basis to any member of the public. Copies of individual UCC records, bulk copies of records and data elements from the filing office UCC information management system are made available in such forms, at such times and for such fees as the filing office may prescribe from time to time.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(f), 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.10 Fees for Public Records Services.

- (1) Fees for public records services are established as follows:
 - (a) Paper copies of individual documents: as provided in rules 1360-08-01-.05.
 - (b) Bulk copies of documents: as provided in rules 1360-08-01-.05.
 - (c) Reserved.
 - (d) Reserved.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(f), 47-9-525(c), 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.11 Office Hours.

- (1) Although the filing office maintains regular office hours, it may receive and process transmissions electronically 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruption of service.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.12 Effective Date.

- (1) The rules established in Chapter 1360-08 shall take effect on July 1, 2013.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526, and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-01-.13 Repealed.

Rule 1360-08-01-.14 Repealed.

Rule 1360-08-01-.15 Repealed.

Rule 1360-08-01-.16 Repealed.

Rule 1360-08-01-.17 Repealed.

Rule 1360-08-01-.18 Repealed.

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Chapter 1360-08-02
Uniform Commercial Code
Acceptance and Refusal of Records

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Rule 1360-08-02-.01 Role of Filing Officer. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does not determine the legal sufficiency or insufficiency of the UCC record, determine that information in the record is correct or incorrect, in whole or in part, or create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-516, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.02 Time for Filing a Continuation Statement.

- (1) First Day Permitted. The first date on which a continuation statement may be filed is the date corresponding to the day upon which the related financing statement would lapse, six months preceding the month in which such financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to rule 1360-08-01-.02.
- (2) Last Day Permitted. The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to rule 1360-08-01-.02. Accordingly, the time of filing of the continuation statement under rule 1360-08-01-.02 must be on or prior to such last day and delivery by certain means of communication may not be available on such last day if the filing office is not open for business on such day.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-515, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.03 Grounds for Refusal.

- (1) In addition to refusing a record for any reason, or multiple reasons, as set forth in T.C.A. §47-9-516, a filing officer shall refuse to accept a UCC record that does not provide an address that meets the minimum requirements as set forth in these filing office rules (See rule 1360-08-01-.01(b)).
- (2) A document shall be refused if the document is accompanied by less than the full applicable filing fee plus the recording tax under T.C.A. §67-4-409(b), if any, based on the representation of indebtedness required thereunder, and tendered by a method described in rule 1360-08-01-.07.
- (3) Indebtedness (recording) tax language. An initial financing statement or an amendment that increases indebtedness shall be refused if the record does not contain, either on its face or in an accompanying sworn statement, the language required under T.C.A. §67-4-409(b)(5)(D) with respect to the recording tax imposed under T.C.A. §67-4-409(b), if any.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-516, 47-9-520(a), 47-9-526, 67-4-409(b) and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.04 Procedure upon Refusal. Except as provided in rule 1360-08-01-.08, if the filing officer finds grounds to refuse a UCC record, the filing officer shall refund the filing fee. Communication of the refusal, the reason(s) for the refusal and other related information will be made to the remitter as soon as practicable and in no event more than two (2) business days after the refused UCC record was received by the filing office, by the

same means as the means by which such UCC record was delivered to the filing office, or by mail or such more expeditious means as the filing office shall determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, shall be maintained for a period of five (5) years from the initial rejection date.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-520, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.05 Refusal Errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused under rule 1360-08-02-.03, the filing officer will file the UCC record with the filing date and time the UCC record was originally tendered for filing. A filing officer statement relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-516(d), 47-9-518, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.06 Notification of Defects. Nothing in these rules prevents a filing officer from communicating to a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-520, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-02-.07 Repealed.

Rule 1360-08-02-.08 Repealed.

Rule 1360-08-02-.09 Repealed.

Chapter 1360-08-03
Uniform Commercial Code
UCC Information Management System

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1360-08-03-.03	Individual Debtor Names	1360-08-03-.10	Termination
1360-08-02-.04	Organizational Debtor Names	1360-08-03-.11	Information Statement
1360-08-03-.05	Estates	1360-08-03-.12	Procedure upon Lapse
1360-08-03-.06	Trusts	1360-08-03-.13	Removal of Record
1360-08-03-.07	Initial Financing Statement		

Rule 1360-08-03-.01 General. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors included on financing statement that are active records. The rules in this section describe the UCC information management system.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.02 Primary Data Elements. The primary data elements used in the UCC information management system are the following.

(1) Identification Numbers.

- (a) Each initial financing statement is identified by its file number. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in the system. The record is identified by the same information assigned to the initial financing statement.
- (b) A UCC record other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the UCC information management system, all UCC records other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of Record. The type of UCC record is identified in the UCC information management system from information supplied by the remitter.

(3) Filing Date and Filing Time. The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of Parties. The names and addresses of debtors and secured parties are recorded in the UCC information management system using one or more data entry or transmittal techniques.

(5) Page Count. The total number of pages in a UCC record is maintained in the UCC information management system.

(6) Lapse Indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in rules 1360-08-03-.07, 1360-80-03-.08 and 1360-08-03-.09.

(7) Indexes of Names. The filing office maintains in the UCC information management system a searchable index of organization debtor names, and a searchable index of individual debtor names. The filing office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC information management system identified to be included in such searchable index.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.03 Individual Debtor Names. For purposes of this rule, an "individual debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the actual debtor.

- (1) Individual Name Fields. Individual debtor names are stored in fields that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a last name and shall be entered in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer's designations.
- (2) Titles, Prefixes and Suffixes. Titles, prefixes (e.g., "Ms.") and suffixes of indications of status (e.g., "M.D.") are not typically part of a debtor's name. However, when entering a "name" into the UCC information management system, the data will be entered exactly as it appears.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.04 Organization Debtor Names. For purposes of these rules, an "organization debtor name" means any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

- (1) Single Field. Organization debtor names are stored in fields that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.05 Estates. The debtor name to be provided on a financing statement for a debtor that is an estate is the name of the relevant decedent. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-503(a), 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.06 Trusts. The debtor name to be provided for a debtor that is a trust or a trustee acting in respect of trust property is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust's settlor. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization should be provided as an organization debtor name, and the name of a settlor who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-503(a), 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.07 Initial Financing Statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows:

- (1) Status of Secured Party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.
- (2) Status of Debtor. Each debtor name provided by the initial financing statement shall be indexed in the UCC information management system so long as the financing statement is an active record.

(3) Status of Financing Statement. The financing statement shall be an active record. A lapse date shall be calculated, five years from the file date, unless:

- (a) The initial financing statement indicates as provided in Rule 1360-08-01-.02(h) that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty (30) years from the file date; or
- (b) The initial financing statement indicates as provided in Rule 1360-08-01-.02(h) that it is filed against a transmitting utility, in which case there shall be no lapse date. For system purposes, no lapse date is designated as 12/31/9999.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-511, 47-9-514(a), 47-9-515, 47-9-519, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.08 Amendments Generally. Upon the filing of an amendment the status of the parties shall be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party shall be added to the appropriate index and associated with the record of the financing statement in the UCC information management system, and an amendment that designates an assignee shall cause the assignee to be added as a secured party of record with respect to the affected financing statement in the UCC information management system. Notwithstanding the filing of an amendment that deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the filing office as a secured party of record as the filing office cannot verify the effectiveness of an amendment. In general, the filing of an amendment does not affect the status of the financing statement, but an amendment that indicates that the debtor is a transmitting utility will cause the filing office to reflect in the information management system that the amended financing statement has no lapse date.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-511, 47-9-512, 47-9-515(e), 47-9-519, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.09 Continuation Statement.

- (1) Continuation of Lapse Date. Upon the timely filing of a continuation statement by any secured party of record, the lapse date of the financing statement shall be postponed for five (5) years from the prior lapse date. Only one continuation statement can be filed on a financing statement during the continuation period.
- (2) Status. The filing of a continuation statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-515, 47-9-519, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.10 Termination. The filing of a termination shall cause the financing statement to show as terminated. Furthermore, no additional records will be filed on a financing statement that is terminated.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-513(d), 47-9-519, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.11 Information Statement. The filing of an information statement (statement of claim) by a debtor shall have no effect upon the status of any party to the financing statement, the status of the financing statement or to the information maintained in the information management system.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-518(c), 47-9-519, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.12 Procedure upon Lapse. If there is no timely filing of a continuation statement with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-515, 47-9-522(a), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.13 Removal of Record. A financing statement must remain as an Active record until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of such lapse or termination date, the filing office or the UCC information management system may remove the financing statement and all related UCC records from the searchable indexes or from the UCC information management system and upon such removal, the removed UCC records shall cease to be active records.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-522, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-03-.14 Repealed.

Rule 1360-08-03-.15 Repealed.

Rule 1360-08-03-.16 Repealed.

Rule 1360-08-03-.17 Repealed.

Rule 1360-08-03-.18 Repealed.

Rule 1360-08-03-.19 Repealed.

Rule 1360-08-03-.20 Repealed.

Rule 1360-08-03-.21 Repealed.

Rule 1360-08-03-.22 Repealed.

Rule 1360-08-03-.23 Repealed.

Rule 1360-08-03-.24 Repealed.

Rule 1360-08-03-.25 Repealed.

Rule 1360-08-03-.26 Repealed.

Rule 1360-08-03-.27 Repealed.

Rule 1360-08-03-.28 Repealed.

Rule 1360-08-03-.29 Repealed.

Rule 1360-08-03-.30 Repealed.

Rule 1360-08-03-.31 Repealed.

Rule 1360-08-03-.32 Repealed.

Rule 1360-08-03-.33 Repealed.

Rule 1360-08-03-.34 Repealed.

Rule 1360-08-03-.35 Repealed.

Rule 1360-08-03-.36 Repealed.

Rule 1360-08-03-.37 Repealed.

Rule 1360-08-03-.38 Repealed.

Rule 1360-08-03-.39 Repealed.

Rule 1360-08-03-.40 Repealed.

Rule 1360-08-03-.41 Repealed.

Rule 1360-08-03-.42 Repealed.

Rule 1360-08-03-.43 Repealed.

Rule 1360-08-03-.44 Repealed.

Rule 1360-08-03-.45 Repealed.

Rule 1360-08-03-.46 Repealed.

Rule 1360-08-03-.47 Repealed.

Rule 1360-08-03-.48 Repealed.

Rule 1360-08-03-.49 Repealed.

Rule 1360-08-03-.50 Repealed.

Rule 1360-08-03-.51 Repealed.

Rule 1360-08-03-.52 Repealed.

Rule 1360-08-03-.53 Repealed.

Rule 1360-08-03-.54 Repealed.

Rule 1360-08-03-.55 Repealed.

Rule 1360-08-03-.56 Repealed.

Rule 1360-08-03-.57 Repealed.

Rule 1360-08-03-.58 Repealed.

Rule 1360-08-03-.59 Repealed.

Rule 1360-08-03-.60 Repealed.

Rule 1360-08-03-.61 Repealed.

Rule 1360-08-03-.62 Repealed.

Rule 1360-08-03-.63 Repealed.

Rule 1360-08-03-.64 Repealed.

Rule 1360-08-03-.65 Repealed.

Rule 1360-08-03-.66 Repealed.

Rule 1360-08-03-.67 Repealed.

Rule 1360-08-03-.68 Repealed.

Rule 1360-08-03-.69 Repealed.

Rule 1360-08-03-.70 Repealed.

Rule 1360-08-03-.71 Repealed.

Rule 1360-08-03-.72 Repealed.

Chapter 1360-08-04
Uniform Commercial Code
Filing and Data Entry Procedures

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Rule 1360-08-04-.01 Errors of the Filing Office. The filing office may correct data entry and indexing errors of filing office personnel in the UCC information management system at any time. If a correction is made to a record of a financing statement, the filing office will associate with the record of the financing statement in the UCC information management system a filing officer statement on the date that the corrective action was taken providing the date and an explanation of the correction.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-04-.02 Data Entry. Data are entered into the UCC information management system exactly as provided in a UCC record, without regard to apparent errors. Data provided in electronic form is transferred to the information management system exactly as submitted by the remitter.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-04-.03 Verification of Data Entry. The filing office will not verify accuracy of the data from UCC records entered in accordance with Rule 1360-08-04-.02 into the UCC information management system. Data entry performed by remitters with respect to electronically filed UCC records is the responsibility of the remitter and is not verified by the filing office.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-04-.04 Reserved.

Rule 1360-08-04-.05 Notice of Bankruptcy. The filing officer shall take no action upon the receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-515, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-04-.06 Redaction of Certain Information. Pursuant to Tennessee Code Annotated Title 10, Chapter 7, Part 5 data entered into the information management system is public information. The filing office will not redact information. Personally identifiable information not required on forms should not be included in UCC records. All UCC forms contain the following notice: "NOTE: All information on this form is public record."

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-04-.07 Repealed.

Rule 1360-08-04-.08 Repealed.

Rule 1360-08-04-.09 Repealed.

Rule 1360-08-04-.10 Repealed.

Rule 1360-08-04-.11 Repealed.

Rule 1360-08-04-.12 Repealed.

Rule 1360-08-04-.13 Repealed.

Rule 1360-08-04-.14 Repealed.

Rule 1360-08-04-.15 Repealed.

Rule 1360-08-04-.16 Repealed.

Rule 1360-08-04-.17 Repealed.

Rule 1360-08-04-.18 Repealed.

Chapter 1360-08-05
Uniform Commercial Code
Search Requests and Reports

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1360-08-05-.01	General Requirements	1360-08-05-.04	Search Methodology
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1360-08-05-.03	Search Requests–Optional Information	1360-08-05-.06	Search Responses

Rule 1360-08-05-.01 General Requirements. The filing officer maintains for public inspection a searchable index for all active records in the UCC information management system. Active records will be retrievable by the name of the debtor or by the file number of the related initial financing statement, and each active record related to an initial financing statement is retrieved with the initial financing statement using either retrieval method.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(c), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-05-.02 Search Requests–Required Information. Search requests shall include the following:

- (1) Name Searched. A search request must set forth the name of the debtor to be searched using designated fields for organization or individual first, middle and last names. A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is the subject of the search.
- (2) Requesting Party. The name and address of the person to whom the search results are to be sent.
- (3) Fee. The appropriate fee shall be tendered by a method described in Rule 1360-08-01-.07.
- (4) Search Logic. The request shall specify if a search methodology other than that described in Rule 1360-08-05-.04(1) is to be applied in conducting the search. If no such methodology is specified, the one described in Rule 1360-08-05-.04(1) shall be applied.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(c), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-05-.03 Search Requests–Optional Information. Search requests may include the following:

- (1) Copies. The request may limit the copies of the UCC records that would normally be provided with a search report by requesting that no copies be provided or that the first page of each copy be provided.
- (2) Scope of Search. A search request may ask for a search that reports active records or unlapsed records.
- (3) Mode of Delivery. A search request may specify a mode of delivery for search results and that request will be honored if the requested mode is made available by the filing office, and all requisite fees are tendered.
- (4) Search Request with Filing. If a filer requests a search at the time an initial financing statement is filed by submitting a search request with the initial financing statement at the time it is tendered for filing, the search request shall be deemed to request a search to be conducted as soon as practicable such that it would include all UCC records filed, against the debtor name(s) provided on the initial financing statement, on or prior to the date and time the initial financing statement is filed.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(c), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-05-.04 Search Methodology. Search results are produced by the application of search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search.

- (1) Standard Search Logic. The following rules describe the filing office's standard search logic and apply to all searches except for those where the search request specifies that a non-standard search logic be used:
- (a) There is no limit to the number of matches that may be returned in response to the search criteria.
 - (b) No distinction is made between upper and lower case letters.
 - (c) The character "&" (the ampersand) is deleted and replaced with the characters "and" each place it appears in the name.
 - (d) Punctuation marks and accents are disregarded. For the purposes of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.
 - (e) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are "disregarded" to the extent practicable as determined by the filing office's programming of its UCC information management system.
 - i. Agency
 - ii. Association
 - iii. Assn
 - iv. Associates
 - v. Assc
 - vi. Assoc
 - vii. Attorneys at Law
 - viii. Bank
 - ix. National Bank
 - x. Business Trust
 - xi. Charter
 - xii. Chartered
 - xiii. Company
 - xiv. Co
 - xv. Corporation
 - xvi. Corp
 - xvii. Credit Union
 - xviii. CU
 - xix. Federal Savings Bank

- xx. FSB
- xxi. General Partnership
- xxii. Gen part
- xxiii. GP
- xxiv. Incorporated
- xxv. Inc
- xxvi. Limited
- xxvii. Ltd
- xxviii. Ltee
- xxix. Limited Liability Company
- xxx. LC
- xxxi. LLC
- xxxii. Limited Liability Partnership
- xxxiii. LLP
- xxxiv. Limited Partnership
- xxxv. LP
- xxxvi. Medical Doctors Professional Association
- xxxvii. MDPA
- xxxviii. Medical Doctors Professional Corporation
- xxxix. MDPC
- xl. National Association
- xli. NA
- xlii. Partners
- xliii. Partnership
- xliv. Professional Association
- xlv. Prof Assn
- xlvi. PA
- xlvi. Professional Corporation

- xlvi. Prof Corp
- xlix. PC
 - I. Professional Limited Liability Company
 - ii. Professional Limited Liability Co
 - lii. PLLC
 - liii. Railroad
 - liv. RR
 - Iv. Real Estate Investment Trust
 - Ivi. REIT
 - Ivii. Registered Limited Liability Partnership
 - Iviii. RLLP
 - lix. Savings Association
 - Ix. SA
 - Ixi. Service Corporation
 - Ixii. SC
 - Ixiii. Sole Proprietorship
 - Ixiv. SP
 - Ixv. SPA
 - Ixvi. Trust
 - Ixvii. Trustee
 - Ixviii. As Trustee

(f) The word "the" at the beginning of an organization debtor name is disregarded.

(g) All spaces are disregarded.

(h) For first and middle names of individual debtor names, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. This search will not return the name "Jon A. Smith" or "Jonathan A. Smith". If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field. This search will not return the name "Jon Smith" or "Jonathan Smith".

- (i) If the name being searched is the last name of an individual debtor name without any first or middle name provided, the search will retrieve from the UCC information management system all financing statements with individual debtor names that include the last name.
- (j) After using the preceding rules to modify the name being searched, the search will retrieve from the UCC information management system all unexpired records, or, if requested by the searcher, all active records, that pertain to financing statements with debtor names that, after being modified as provided in this rule 1360-08-05-.04, exactly match the modified name being searched.
- (k) Additional search criteria include:
 - i. Filter by debtor city or state.
 - ii. Filter by secured party.
 - iii. Filter by a particular date range.
 - iv. Filter for a specific UCC file number.
- (2) Non-Standard Search Logic. The following non-standard search logic options may be requested on a search request and will be applied when requested:
 - (a) The debtor search can be restricted to return only debtors in a specified city or state.
 - (b) A secured party search can be requested based on secured party name, and optional city/state.
 - (c) A search can be performed based solely on a UCC file number.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523(c), 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

Rule 1360-08-05-.05 Changes in Standard Search Logic. If the filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the filing office will provide public notice of such change.

Authority: T.C.A. §§4-5-202, 4-5-204, 47-9-523, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

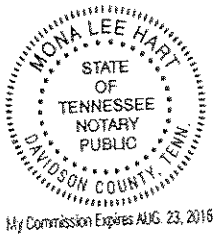
Rule 1360-08-05-.06 Search Responses. Responses to a search request shall include the following:

- (1) Copies. Copies of all UCC records retrieved by the searcher unless only limited copies (first pages) are requested by the searcher or the searcher does not request copies.
- (2) Introductory Information. A filing officer shall include the following information with a UCC search response:
 - (a) Filing Office Identification. Identification of the filing office responsible for the search response.
 - (b) Unique Search Report Identification Number. Unique number which identifies the search report.
 - (c) Report Date and Time. The date and time the report was generated.
 - (d) Through Date and Time. The date and time at or prior to which a UCC record must have been filed with the filing office in order for it to be reflected on the search.
 - (e) Certification Language. The certification language reads as follows: "Pursuant to the request you submitted, a search was conducted based on the search criteria listed below. I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that the information outlined below along with the copies which are attached to this cover sheet constitute the certified copies of all UCC filings based on the search criteria."

- (f) **Scope of Search.** The scope of search includes active records and unexpired records.
 - (g) **Search Logic Used.** The search logic used is the search logic recommended by the International Association of Commercial Administrators, which may be modified from time to time.
 - (h) **Name Provided.** Name as provided by searcher.
 - (i) **Copies.** If requested, all copies, first pages only or date range of UCC documents revealed by the search.
- (3) **Report.** The search report shall contain the following:
- (a) **Identification.** Identification of the filing office responsible for the search report.
 - (b) **Search Report Identification Number.** Unique number assigned under Rule 1360-08-05-.06(2)(b).
 - (c) **Identification of Financing Statement.** Identification of each initial financing statement, including a listing of all related amendments and Information Statements (Statements of Claim), filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested active records or only unexpired records). Financing statement information shall include, but is not limited to the following;
 - v. **Initial Financing Statement File Number.** The initial financing statement file number.
 - vi. **Initial Financing Statement Filing Date and Time.** The date and time it was filed.
 - vii. **Lapse Date.** Provide lapse date.
 - viii. **Debtor Name.** The debtor name(s) that appear(s) of record.
 - ix. **Debtor Address.** The debtor address(es) that appear(s) of record.
 - x. **Secured Party Name.** The secured party name(s) that appear(s) of record.
 - xi. **Secured Party Address.** The secured party address(es) that appear(s) of record.
 - xii. **Amendment Type.** An indication of type of each amendment, if any.
 - xiii. **Amendment Filing Date and Time.** The date and time each amendment, if any, was filed.
 - xiv. **Amendment Filing Number.** The amendment file number of each amendment, if any.
 - xv. **Information Statement (Statement of Claim).** The date and time of a correction statement, if any, was filed.

Authority. T.C.A. §§4-5-202, 4-5-204, 47-9-519, 47-9-526 and Tenn. Pub. Acts, ch. 708 (2012).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date:

November 9, 2012

Signature:

Tre Hargett

Name of Officer:

TRE HARGETT

Title of Officer:

SECRETARY OF STATE

Subscribed and sworn to before me on:

November 9, 2012

Notary Public Signature:

Mona Lee Hart

My commission expires on:

August 23, 2016

Department of State Use Only

Filed with the Department of State on:

11/9/12

Tre Hargett

Tre Hargett
Secretary of State

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